

### REMARKS

Claim 1-13 are currently pending in the application. By this amendment, claim 1 is amended for clarity purposes only. Claim 1 is not amended to overcome any prior art rejections and also should not be considered a narrowing amendment. The above amendment does not add new matter to the application and is fully supported by the specification. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

#### *Allowed Claims*

Applicants submit that no prior art is applied by the Examiner and, as such, it would appear that the claims include allowable subject matter. Specifically, Applicants submit that claims 1-13 should be indicated as allowed, pending overcoming the 35 U.S.C. §112, 2<sup>nd</sup> paragraph rejection.

Applicants further submit that according to MPEP 2173.06:

... where the degree of uncertainty is not great, and where the claim is subject to more than one interpretation and at least one interpretation would render the claim unpatentable over the prior art, an appropriate course of action would be for the examiner to enter two rejections: (A) a rejection based on indefiniteness under 35 U.S.C. 112, second paragraph; and (B) a rejection over the prior art based on the interpretation of the claims which renders the prior art applicable. See, e.g., *Ex parte Ionescu*, 222 USPQ 537 (Bd. App. 1984). .... The first approach is recommended from an examination standpoint because it avoids piecemeal examination in the event that the examiner's 35 U.S.C. 112, second paragraph rejection is not affirmed, and may give applicant a better appreciation for relevant prior art if the claims are redrafted to avoid the 35 U.S.C. 112, second paragraph rejection.

### 35 U.S.C. §112 Rejection

Claims 1-13 were rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph. This rejection is respectfully traversed.

According to MPEP §2173.02, the test for definiteness under 35 U.S.C. §112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) the content of the particular application disclosure; (B) the teachings of the prior art; and (C) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

Regarding the rejection of claim 1, lines 2-3, Applicants have amended the claim for clarity purposes, only. In particular, claim 1 has been amended to recite "a screw which is formed" and "a screw which is engaged". This language clarifies the claim language and, Applicants submit, adequately addresses the Examiner's issues. Specifically, the screw which is formed, for example, would connote a screw thread, as should be understood by those of skill in the art.

Regarding the rejection of claim 1, lines 5-7, Applicants note that the specification clearly discloses how the reverse moving means can descend with respect to a portion of cap when it is connected to a portion of the cap. Specifically, as disclosed at page 5 of the specification:

A bottle cap 2 includes a screw formed on its inner surface. The screw is engaged with a screw formed on an outer surface of a nozzle 1a of a bottle 1. The bottle cap 2 includes a hole formed at the center and a reverse screw rod 5. The reverse screw rod 5 is fixed to the hole and has a reverse screw 5a. The reverse screw 5a is positioned in a direction opposite to the screw of the nozzle 1a and has a large pitch. The reverse screw rod 5 is threaded into a rod shaped nut 4 and the bottle cap 2 is fastened to the nozzle 1a so that the upper portion of the reverse screw rod 5 is inserted into the hole of the bottle cap 2. The

reverse screw rod 5 is then fixed to the bottle cap 2 by an adhesive or a heat melting method so that it is rotated with the bottle cap 2. The reverse screw rod 5 is engaged with the nut 4 having a screw 4b. The screw 4b is guided to move up and down and at the same time is engaged with the reverse screw rod 5. .... The nut 4 moves up and down but is not rotated.

As disclosed at page 7, lines 9-13,

If the bottle cap 2 is rotated to open the bottle cap 2, as shown in FIG. 3 to FIG. 6, the bottle cap 2 moves upwardly and the nut 4 engaged with the reverse screw rod 5 moves downwardly without rotation under the guide of the guide member 3.

As such, those of skill in the art would clearly understand the invention, e.g., how the reverse moving means can descend while remaining attached to the cap. This can, for example, be accomplished by the reverse screw and nut combination.

As to the Examiner's remarks with regard to the "portion 4 is part of the nut but also part of the cap which goes an opposite direction of reverse screw rod", Applicants submit that such language is not found in claim 1. In any event, Applicants submit that the nut 4 does not rotate, as clearly recited in claim 1 and at page 7, lines 9-13 noted above. Also, the nut 4 is not part of the cap, it is a different mechanism; however, the reverse screw rod 5 is threaded into the nut 4 and the bottle cap 2 is fastened to the nozzle 1a so that the upper portion of the reverse screw rod 5 is inserted into the hole of the bottle cap 2.

Lastly, the Examiner notes that it is unclear how the display is in the nut. For clarity purposes only, claim 1 is amended to recite that the display is installed at the lower portion of the nut. As shown in FIG. 1, as one non-limiting example, a cap shaped bearing 6 is provided below the lower portion of the nut 4 and the reverse screw rod 5. The display is provided in the lower portion of the bearing 6 and displays the state that the bottle cap has been opened.

Accordingly, Applicants respectfully request that the rejection over claims 1-13 be withdrawn.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', written over a horizontal line.

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